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Attorneys for Defendant
Fandom, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VISHAL SHAH and JAYDEN KIM,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

FANDOM, INC.,

Defendant.

Case No: 3:24-cv-01062-RFL

**DEFENDANT FANDOM, INC'S
NOTICE OF CONSTITUTIONAL
QUESTION PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 5.1 AND
CIVIL LOCAL RULE 3-8 (b)**

**TO THE COURT, THE ATTORNEY GENERAL OF CALIFORNIA, AND ALL
PARTIES AND THEIR ATTORNEYS OF RECORD:**

Pursuant to Federal Rule of Civil Procedure 5.1 and Civil Local Rule 3-8(b), Defendant Fandom, Inc. (“Fandom”) hereby gives notice that its Answer to Plaintiffs’ First Amended Complaint draws into question the constitutionality of the California Pen Register Statute, Cal. Penal Code § 638.50 *et seq.*, on its face and as the Plaintiffs seek to have the statute applied in this case. Specifically, Fandom raises the question of whether the California Pen Register Statute, both facially and as applied, is an overbroad restriction on speech that punishes a speaker for disclosing information it received with permission.

Respectfully submitted,
TYZ LAW GROUP PC

Dated: November 18, 2024

/s/Deborah Hedley
Deborah Hedley

Attorneys for Defendant
FANDOM, INC.

PROOF OF SERVICE

The undersigned declares as follows:

I am a citizen of the United States and employed in San Francisco County, State of California. I am over the age of eighteen years and not a party to this action. My business address is 4 Embarcadero Center, 14th Floor, San Francisco, California 94111. On the date set forth below, I caused a copy of the following documents:

FANDOM, INC.'S NOTICE OF CONSTITUTIONAL QUESTION

to be served on the interested parties in the subject action by placing a true copy thereof as indicated below, addressed as follows:

| |
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| Office of the Attorney General 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 |
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| <input checked="" type="checkbox"/> | BY CERTIFIED MAIL: by placing the document(s) listed above in a sealed envelope for collection and mailing following our ordinary business practices. I am readily familiar with our ordinary business practices for collecting and processing mail for the United States Postal Service, and mail that I place for collection and processing is regularly deposited with the United States Postal Service that same day with postage prepaid. |
|-------------------------------------|---|

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Date: November 18, 2024

/s/Tiffany Weger
Tiffany Weger